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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) Criminal No. CR 05 00448 MAG
Plaintiff,)
v.)
SUSAN JOAN TOBIN,)
Defendant.)

**STIPULATION AND [PROPOSED]
ORDER MODIFYING SENTENCING
CONDITIONS**

The above-captioned matter came before the Court on July 21, 2005 for initial appearance on the complaint, change of plea, and summary sentencing. The defendant was represented by Michael Carroll and the government was represented by Jeffrey Finigan, Assistant United States Attorney. The defendant was sentenced to a term of probation without specifying whether the probation was to be supervised or unsupervised. The parties intended to request unsupervised probation and have since notified the Probation Department of this error at sentencing. However, since the Probation Department is bound by the terms of the Judgment and

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1 Commitment, which does not define the probationary period with respect to supervision, it is
2 assumed probation is supervised. Accordingly, and in order to make the sentence in this case
3 consistent with the sentence received by all of the similarly situated defendants in these pilot-
4 related cases, the parties stipulate and respectfully request that the Court issue an Order
5 modifying the defendant's conditions of probation so that her probation is not supervised.

6

7

8 DATED: 11/9/05

/s/
MICHAEL CARROLL
Counsel for Susan Joan Tobin

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10

11 DATED: 11/9/05

/s/
JEFFREY FINIGAN
Assistant U.S. Attorney

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14 So ordered.

15 DATED: 11/15/05

NANDOR J. VADAS
UNITED STATES MAGISTRATE JUDGE



CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the office of the United States Attorney, Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned certifies that she caused copies of

STIPULATION AND [PROPOSED] ORDER MODIFYING SENTENCING CONDITIONS

in the case of **UNITED STATES v. SUSAN JOAN TOBIN, CR 05-00448 MAG** to be served on the parties in this action, by placing a true copy thereof in a sealed envelope, addressed as follows which is the last known address:

**Michael Carroll, Esq.
300 Montgomery Street, Suite 415
San Francisco, CA 94104
Fax No: 415-421-7379**

(By Personal Service), I caused such envelope to be delivered by hand to the person or offices of each addressee(s) above.

X (By Facsimile), I caused each such document to be sent by Facsimile to the person or offices of each addressee(s) above.

(By Mail), I caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at San Francisco, California.

(By Fed Ex), I caused each such envelope to be delivered by FED EX to the address listed above.

(By Fed Ex), I caused each such envelope to be delivered by FED EX to the address listed above.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 9, 2005

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